HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 444 of 2006 (MS)

Yamin s/o Sri Khuda Baksh, Village Garh, Pargana Jwalapur, Tehsil & District Hardwar ..... Petitioner

Versus

1. State of Uttaranchal
2. District Magistrate, Haridwar
3. Sub Divisional Magistrate, Haridwar
4. Assistant Returning Officer, Nyay Panchayat Salampur
5. Returning Officer block Bahadarabad, Tehsil Haridwar
6. Ismail s/o Allah Banda
7. Ashrat s/o Ashgar
8. Jinda s/o Bashir
9. Dilshad s/o Jinda
10. Nashim s/o Hashim
11. Murshilim s/o Rasheed
12. Mashum Ali Karimu
13. Mohammad s/o Ismail
14. Yunush s/o Nazeer
15. Ramesh s/o Manga
16. Sadhu Ram s/o Ram Singh, Respondents no. 6 to 16 are r/o village Garh, Pargana Jwalapur Tehsil & District Haridwar
17. Nathi Ram S/o Kareshan
18. Mahendra s/o Tungal Singh, both r/o Kutubpur Pargana Jwalapur, Tehsil Haridwar

..... Respondents

Sri K.S. Verma, Advocate for the petitioner
Sri Lok Pal Singh, Advocate & Standing counsel for the respondents.

Dated: 26.7.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated 17.2.2006 passed by the District Magistrate, Haridwar.

Briefly stated, the election has taken place for the post of village Pradhan on 14.10.2005. Thereafter the petitioner has filed an application on 21.10.2005 before the Chief Election Commissioner, Uttaranchal for directing the respondents no. 4

and 5 for re-counting. The petitioner also filed an Election Petition before the respondent no. 2 on 24.10.2005 but the same was not entertained in the office of respondent no.3. The petitioner filed a writ petition No. 1402 of 2005 (MS). High court vide order dated 1.12.2005 directed the respondents to dispose of the application dated 21.10.2005 within a period of one month. On 17.2.2006 the respondent no. 2 rejected the representation of the petitioner.

So far as the prayer for recounting of the votes is concerned, it cannot be allowed as remedy available to the petitioner by filing of the election petition under section 12-C of U.P. Panchayat Raj Act. In case such a petition is filed before the appropriate forum, the same shall be entertained according to law.

Subject to the observations made above, writ petition is disposed of. No order as to costs.

Dated: 26.6.2006 **Rajesh Tandon, J**
*Dhyani